



A NiSource Company

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December 30, 2011

LSA Document #08-764 (Antidegradation)
MaryAnn Stevens
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Ave.
MC 65-41
Indianapolis, Indiana 46204-2251

OFFICIAL COMMENT

Re: Comments to IDEM Antidegradation Standards and Implementation Procedures Proposed Rule as Publicly Noticed on December 9, 2011

Dear Ms. Stevens:

NiSource Corporate Services on behalf of its subsidiary Northern Indiana Public Service Company ("NIPSCO") is providing comments on the above-referenced Third Notice of the proposed Antidegradation Rule (the "Proposed Rule"). NIPSCO believes the comments provide constructive ideas concerning the Proposed Rule and will help build upon the discussions between IDEM and the affected stakeholders.

NIPSCO is a gas and electric utility serving the northern third of Indiana. NIPSCO has four active electric generating stations with two sited on Lake Michigan, one on the Kankakee River, and one off of the Wabash River near Terre Haute. We have worked with the Indiana Utility Group (IUG) and the Northwest Indiana Forum in assessing the Proposed Rule and concur in the comments each of those entities has submitted.

There is one specific issue contained in the IUG comments that NIPSCO would like to expand upon because it is especially germane to our operations. This issue concerns the scope of applicability of the proposed rule (See Comprehensive Comment #1 in the IUG comment submission). NIPSCO concurs that an antidegradation review should be limited to actions requiring a new, or modified, NPDES permit subject to Section 402 of the Clean Water Act instead of any proposed deliberate activity resulting in a new or increased loading of a regulated pollutant. This clarification is necessary to ensure that the antidegradation framework is not applied inappropriately in other instances. For example, this clarification would ensure that an antidegradation framework would not be applied to groundwater migrating to surface water. NIPSCO believes that such an expansion of the antidegradation standard for groundwater discharges (not subject to an NPDES permit) is inconsistent with the intent of proposed rule. Therefore, we believe the Department should clearly define the scope of applicability for antidegradation in a manner such as posed in the IUG comments.

NIPSCO greatly appreciates the opportunity to provide these comments to IDEM and we hope that they will be helpful in the drafting of this rule. Please contact Dan Plath of my staff at (219) 647-5268 or dkplath@nisource.com if you have any questions or concerns.

Sincerely,

Nick Dernik
Manager – Environmental Policy
NiSource Environmental, Safety, and Sustainability